THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.1397 OF 2006

Dt.27.1.2006

Between:

P.Balasundar Rao … Petitioner

And

The Revenue Divisional Officer,

Nuzvid, Krishna District and

another … Respondents

ORDER:

The petitioner questions the action of the first respondent in continuing the suspension order issued in proceedings Rc.No.1670/ 2004 dt.8.5.2004 and issuing the second show cause notice vide Rc.No.A/1670/2004 dt.21.12.2005 as illegal and arbitrary and consequently set aside the said proceedings and further direct the respondents to continue the petitioner as F.P.shop dealer.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies on behalf of respondents.

The fair price shop dealership of Sunkollu Village, Nuzvid Mandal, Krishna District, has been allotted in favour of the petitioner under S.C. community quota and he has been functioning as such without any complaints for the last 20 years. It is stated that basing on the report of the Mandal Revenue Officer, Nuzvid, the authorization of the petitioner was suspended pending enquiry by order dated 8.5.2004 by the Revenue Divisional Officer, Nuzvid on certain allegations said to have been committed by the petitioner. Show cause notice dated 22.2.2005 has been issued alleging that the petitioner has not distributed 5-11 quintals of P.D rice for the month of April, 2004,

failed to supply kerosene oil of 449 liters meant for the month of April, 2004 and illegally transporting the said rice. Pursuant to the said show cause notice, the petitioner submitted his explanation. But, no action has been taken by the respondents. Therefore, the petitioner filed W.P.No.24837 of 2005 and this Court while disposing of the same directed the Revenue Divisional Officer, Nuzvid to consider the explanation submitted by the petitioner pursuant to the show cause notice dated 22.2.2005 and pass appropriate orders in accordance with law after giving reasonable opportunity to the petitioner within four weeks from the date of receipt of the said order. It is stated that just before the expiry of the said period, another show cause notice dated 21.12.2005 was issued by the Revenue Divisional Officer stating that in respect of allegations with regard to non-distribution of P.D rice and kerosene the explanation submitted by the petitioner that the said rice and kerosene was distributed as against the coupons submitted by the card holders only and in fact the petitioner submitted coupons in proof of distribution of the said rice and kerosene. But it is stated that there was a delay in submitting the coupons. With regard to another allegation it is stated that the rice meant for Mid-day meal has to be transported in a vehicle and the petitioner is transporting the same on cycle. Therefore, the conduct of the petitioner is doubtful in transporting the rice meant for Mid-day meal on cycle. Accordingly, the first respondent proposed to impose a penalty of Rs.1000/- and directed the petitioner to pay the same within a week from the date of receipt of the said notice, otherwise the authorization of the petitioner will be suspended. It is stated that the petitioner contesting the said proposed action of imposition of penalty of Rs.1000/- stating that in order to avoid unnecessary expenditure he is transporting the same on bicycle. However, the learned counsel for the petitioner submits that the petitioner agrees to pay the sum of Rs.1000/- towards penalty to drop further proceedings.

Having regard to the facts and circumstances of the case, the respondents are directed to restore the authorization of the petitioner forthwith, as proposed by the Revenue Divisional Officer, Nuzvid, in his second show cause notice dated 21.12.2005, as and when the petitioner paid the said penalty amount of Rs.1000/-.

The writ petition is disposed of accordingly. No costs.

(V.ESWARAIAH, J.)

27.1.2006

Note: Issue copy by 30.1.2006

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